

charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Oertels 12-2 Ale Sparkling."

The article was alleged to be adulterated because a beverage containing less than 12½ percent of alcohol had been substituted for the article described on the label.

The article was alleged to be misbranded in that it was labeled "Oertels 12-2 Ale Sparkling" so as to deceive and mislead the purchaser, since analysis showed that it contained less than 5 percent of alcohol by weight.

On July 22, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**26343. Adulteration and misbranding of butter. U. S. v. 5 Cases of Butter. Default decree of condemnation and destruction. (F. & D. no. 37805. Sample no. 45547-B.)**

This case involved butter that was deficient in milk fat and short in weight.

On March 21, 1936, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five cases of butter at Butte, Mont., alleging that the article had been transported in interstate commerce on or about February 18, 1936, by Newell J. Olsen, trucker, of Butte, Mont., from Rexburg, Idaho, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Wrapper) "Banquet Better Butter \* \* \* Guaranteed by Nelson-Ricks Creamery Co. General Offices Salt Lake City, Utah One Pound Net When Packed."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as provided by the act of March 4, 1923.

The article was alleged to be misbranded in that it was labeled "Butter" which was false and misleading as it contained less than 80 percent of milk fat; in that it was labeled "One Pound Net When Packed", which was false and misleading as the package contained less than that quantity; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated on the package was not correct.

On October 22, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**26344. Adulteration and misbranding of apple cider vinegar. U. S. v. 23 Cases, et al., of Apple Cider Vinegar. Default decrees of condemnation and destruction. (F. & D. nos. 37815, 37829, 37830. Sample nos. 51547-B, 51557-B, 51558-B.)**

These cases involved apple vinegar cider that was deficient in acid and contained excessive alcohol. A portion was short in volume.

On June 13 and July 2, 1936, the United States attorney for the Eastern District of Virginia, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 135 cases of apple cider vinegar at Richmond, Va., alleging that the article had been shipped in interstate commerce on or about May 5, May 11, May 13, May 21, and May 26, 1936, by Ridgeville Cider & Vinegar Co., from Baltimore, Md., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Pure Apple Cider Vinegar Log Cabin made from apples only manufactured and guaranteed by Interstate Fruit Product Co., Home Office Baltimore, Maryland." The bottles were labeled further, variously: "Contents 12 Fl. Oz. Full Strength"; "1 Pint 8 Oz. Full Strength"; "Contents 1 pint. 8 Oz. Full W'G'T \* \* \* Reduced to 4%"; "Contents 1 Quart Full Strength."

The article was alleged to be adulterated in that a substance deficient in acid and containing excessive alcohol had been mixed and packed therewith so as to reduce or lower its quality or strength and had been substituted in whole or in part for apple cider vinegar, which the article purported to be.

The article was alleged to be misbranded in that the following statements appearing in the labeling were false and misleading and tended to deceive and mislead the purchaser: (All sizes) "Apple Cider Vinegar made from Apples Only"; (12-ounce size) "Full Strength"; (1½-pint size) "Contents 1 Pint 8